

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND (BALTIMORE DIVISION)

CLERK'S OFFICE
AT BALTIMORE

WYETH,)	DEPUTY
Plaintiff,)	
)	
v.)	C.A. No. 07-cv-632 (WDQ)
)	
LUPIN LTD. and)	
LUPIN PHARMACEUTICALS, INC.,)	
)	
Defendants.)	
)	

CONSENT JUDGMENT

As a result of the parties having executed the Settlement and Release Agreement dated March 6, 2009 and the License Agreement (as defined in the Settlement and Release Agreement), the Court hereby Orders:

- 1) Until the expiration of U.S. Patent Nos. 6,274,171 B1, 6,403,120 B1 and 6,419,958 B2, Defendants shall not, and shall cause their affiliates to not, make, use, sell, offer for sale, or import the extended-release venlafaxine hydrochloride capsules that are the subject of ANDA 78-543, except as and to the extent permitted under the License Agreement;
- 2) Defendants, on behalf of themselves and their affiliates, stipulate to the validity of claims 20-25 of U.S. Patent No. 6,274,171 B1, claims 1, 2, 13 and 14 of U.S. Patent No. 6,403,120 B1 and claims 1-6 of U.S. Patent No. 6,419,958 B2;
- 3) Defendants, on behalf of themselves and their affiliates, stipulate to the infringement of claims 20-25 of U.S. Patent No. 6,274,171 B1, claims 1, 2, 13 and 14 of U.S. Patent No. 6,403,120 B1 and claims 1-6 of U.S. Patent No. 6,419,958 B2, through the making, using, selling, offering for sale and/or importing of the extended-release venlafaxine

hydrochloride capsules that are the subject of ANDA 78-543, except as and to the extent permitted under the License Agreement;

4) Defendants, on behalf of themselves and their affiliates, stipulate to the enforceability of U.S. Patent Nos. 6,274,171 B1, 6,403,120 B1 and 6,419,958 B2;

5) Defendants' Counterclaims of patent invalidity, unenforceability, and non-infringement are dismissed with prejudice;

6) The Settlement and Release Agreement and the License Agreement entered into between the parties, which have been filed with this Court under seal, are adopted by the Court as part of this Consent Judgment;

7) Wyeth has complied with the terms of the Decision and Order of the Federal Trade Commission, Docket No. 9297 (issued April 2, 2002);

8) Each party shall bear its own costs; and

9) This Court retains jurisdiction to enforce this Consent Judgment, the parties' Settlement and Release Agreement and the other Definitive Agreements (as defined in the Settlement and Release Agreement).

SO ORDERED.

Dated: 4/23/09


William D. Quarles, Jr., U.S.D.J.